

Application No.: 09/928,177

Docket No.: JCLA7624

REMARKS**Present Status of the Application**

The Office Action rejected all presently-pending claims 1-47. Specifically, the Office Action rejected claims 1-6 under 35 U.S.C. 103(a), as being unpatentable over Zhou (U. S. Patent 6,356,036) in view of Piwonka-Corle et al. (U. S. Patent 5,608,526), Badami et al. (U. S. Patent 6,181,420) and Perov et al. (U. S. Patent 6,407,395). The Office Action also rejected claims 7-15 under 35 U.S.C. 103(a), as being unpatentable over Zhou in view of Piwonka-Corle et al., Badami et al. and Perov et al.. The Office Action also rejected claims 16-23 under 35 U.S.C. 103(a), as being unpatentable over Zhou in view of Piwonka-Corle et al., Badami et al. and Perov et al.. The Office Action rejected claim 24 under 35 U.S.C. 103(a), as being unpatentable over Zhou in view of Piwonka-Corle et al., Badami et al. and Perov et al. and Daval et al. (U. S. Patent 3,758,194). The Office Action rejected claims 25-47 under 35 U.S.C. 103(a), as being unpatentable over Zhou in view of Piwonka-Corle et al., Badami et al., Perov et al., and Daval et al.. Reconsideration of those claims is respectfully requested.

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Discussion of Office Action Rejections

As argued in previous response, the prior art references failed to disclose the variable incident angle optical member 6 in FIG. 2 of the present invention.

The Office Action refers to Fig. 1 of Piwinka-Colar about the elements of parabolic mirror 17, the spherical focusing mirror 4 and the stage 63, which can be limited to be unaxial to act a variable incident angle optical set ("Response to Arguments").

Applicants respectfully traverse the rejections for at least the reasons set for the below.

In the present invention, the variable incident angle optical set allows the light beam to be incident to the sample by a variable angle. The variable incident angle optical set is used to adjust an incident angle of light on to the biochip. This means that the incident angle of the light can be exactly controlled by the variable incident angle optical set. In addition, a reflected light by the sample travels along the same optical path as the incident light with an opposite direction.

In re Piwonka-Colar (Fig. 1), Piwonka-Colar failed to disclose the variable incident angle to the sample 3.

Clearly (col. 6, lines 47-52), the parabolic mirror 17 reflects the beam 12 onto the inlet of the fiber 1. Then, the beam 12 propagates through the fiber 1 and reaches to the slit 2. After the slit 12, the beam 12 becomes the beam 9 traveling along a specific optical path. The focus mirror 4 then reflects the beam onto the sample 3 that is disposed on the stage 63. *It should be noted*

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here that the incident angle to the sample 3 is not variable. The reflected beam from the sample 3 is divergent, and is received by the collection mirror 6 (col. 8, lines 21-23).

Therefore, Piwonka-Corle et al. failed to disclose the variable incident angle optical set of the present invention. The other prior art references also failed to disclose the variable incident angle optical set.

Furthermore, in the section of "Response to Arguments" of the Final Action, the Examiner refers to Fig. 1 of Piwonka-Corle et al. about the parabolic mirror 17, the spherical focusing mirror 4, and stage 63.

According to the mechanism in Fig.1 of Piwonka-Corle et al., Beam 9 cannot be incident to the Sample 3 by a variable incident angle. Basically, after the beam 9 is collimated by the slit 2, the propagating path is a fixed path and enters to the focus mirror 4, and then reaches to the Sample 3. In this mechanism, clearly, Piwonka-Corle et al. cannot have the features of variable incident angle.

For at least the foregoing reasons, Applicants respectfully submit that independent claims 1, 7, 16, 22, 23, 25, 31, and 37 patently defines over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-6, 8-15, 17-21, 24, 16-30, 32-36 and 38-47 patently define over the prior art references as well.

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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-47 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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